

REMARKS

Applicant has amended claims 1, 9, 18, and 29. Support for these amendments can be found throughout the specification such as, for example, at page 2, line 17, page 4, line 19, and page 5, line 15 ("continuous"). Applicant notes that as known to those skilled in the art, a CW is a continuum of spectral frequencies. Thus, claims 1-38 are now pending. No new matter is added or new issues raised by these amendments.

Remarks Regarding 35 U.S.C. § 102(e)

Claims 1, 2, 4, 5, 9, 12-20, 23, 26, 27, and 29 stand rejected, under 35 U.S.C. § 102(e), as allegedly anticipated by Suematsu (U.S. Patent No. 6,252,469). Applicant respectfully traverses this rejection.

The claimed invention is directed to a wave noise generating apparatus and method, and specifically, a spectral continuum of random noise in the submillimeter and millimeter wavelengths. The initial noise may be generated, for example, by a noise source such as a diode, a noise tube, or a thermal source (see specification, page 4, lines 14-18). The conversion from microwave noise into millimeter and submillimeter frequencies may occur by employing a frequency multiplier thus generating a spectral continuum of random noise. In contrast, Suematsu is directed to a microwave/millimeter wave injection locked oscillator for generating a stable monochromatic signal with low noise that has a constant phase in the locking range (see Suematsu, column 2, lines 40-44). In particular, since noise is part of the unnecessary wave components of an oscillator, it will be suppressed in the injection locking process (see Suematsu, column 3, lines 45-50). Accordingly, the spectrum of the signal has only a single component, which is a monochromatic signal, not noise. Thus, this is not applicant's claimed invention.

Applicant has amended claims 1, 9, 18 and 29 to indicate that the claimed apparatus generates a continuum of millimeter- and submillimeter-wave noise. As a millimeter- and

submillimeter-wave noise generator generating a spectral continuum of millimeter- and submillimeter-wave noise is not disclosed or suggested by the monochromatic signal in Suematsu, the claimed invention is neither anticipated by or obvious over Suematsu or any of the cited references.

Thus, the rejection of claims 1, 2, 4, 5, 9, 12-20, 23, 26, 27, and 29, under 35 U.S.C. § 102(e), is overcome and applicant respectfully requests that it be withdrawn.

Remarks Regarding Allowable Subject Matter

Applicant appreciates the Examiner's comments that claims 3, 6-8, 10, 11, 21, 22, 24, 25, 28, and 30-34 are allowable if rewritten in independent form to include all of the limitations of the base claims. As the one rejection of the remaining claims has been overcome, it is believed that these claims are allowable as originally filed.

Conclusion

The application is in condition for allowance and the prompt issuance of a notice of allowance is respectfully requested. If there are any additional fees due with the filing of this Amendment, not otherwise accounted for herein, including any further fees for an extension of time, applicant respectfully requests that extension and further requests that any and all such fees be charged to Deposit Account No. 03-1952.

Application No. 09/932,977
Attorney Docket No. 54459-20001.00

Respectfully submitted
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Date: March 24, 2003

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